

Local Transport Bill Consultation
Department for Transport
Great Minster House (Zone 3/16)
76 Marsham Street
London
SW1P4DR

Dear Sir,

Consultation on Local Transport Bill

I thank you for the opportunity to comment on the proposals that were contained within the draft Local Transport Bill, which were published in May 2007.

You will have already received detailed comments from Merseytravel on behalf of the Greater Merseyside Local Authorities of which Halton Borough Council is one.

Halton continues to support those comments made, however, given our unique position within the Greater Merseyside Authorities of being a small unitary authority with full transport powers, it is felt that there are a number of general comments that need to be made, which provide a further perspective on the impact of the proposals.

These comments are as follows:

Improving the Quality of Local Bus Services

- **Voluntary Partnership Agreements and Quality Partnership Schemes** – The proposals increase the flexibility and attractiveness of voluntary partnership agreements and quality partnership schemes enabling a more coherent pattern of sustainable services to be provided. They are therefore a welcome enhancement to the tools available in delivering a transport system, which meets local needs.
- **Quality Contracts** – The proposals include some important changes to the current requirements for quality contracts, particularly those that replace the need for the ‘practicable test’ and as such should assist in their implementation. However, any improvements in the quality of commercial services required could result in increased fares (if not prevented/controlled by the agreement), and/or a deletion of the more marginal, but socially necessary services; putting increased pressure on Council budgets for support. This could pose problems for small authorities, such as Halton, in achieving their accessibility objectives, should they wish to pursue quality contracts. The proposals therefore provide an improved mechanism for achieving a step improvement in the quality of local bus services, but without additional funding being made available to local authorities, such an improvement will be difficult to materialise.

- **Punctuality** - Whilst the principle behind the changes is laudable, the extensive powers given to a Traffic Commissioner could result in a local authority being issued with an Intervention Notice under the Traffic Management Act 2004, by the SoS, if the local authority does not implement the TC's recommended remedial measures. These powers therefore undermine a local authority's ability to implement locally determined transport policy through its agreed programme of works and initiatives. This particular aspect of the proposals is considered to excessive and undemocratic and therefore should be deleted.
- **Community Transport** - Community Transport has an important role in addressing gaps in the transport market and which particularly affect the accessibility of vulnerable groups. The changes will enable increased flexibility and opportunities for Community Transport and as such are welcome.
- **Taxi-buses**- These proposals are again welcome, as they increase the pool of resources available in the procurement of transport services, increasing opportunities and the efficiency with which services are provided.

Reforming Local Transport Governance

- **Local Reviews of Transport Governance Arrangements** - The proposal provides the means to enable the establishment of City Regions and therefore address the aspirations of Halton and the Merseyside authorities for transport to be co-ordinated on a sub-regional basis. The proposed changes are considered to be essential in meeting the transport needs of the sub-region and therefore are welcomed.
- **Transport Planning and Duties** - Again this demonstrates the Government's commitment to facilitating City Region governance. The Bill appears to generally be deleting reference to LTPs and replacing them with 'Integrated Transport Strategies' or 'local transport policies'. Government officials have advised that these changes have been introduced to enable flexibility and do not signify the end of LTPs. However, it is clear that a fundamental review of the future of LTPs is being considered to ensure greater integration of transport considerations in the development of Local Area Agreements/ Multi Area Agreements. The specific inclusion of a reference to consideration of climate change reflects the important role that transport has in addressing this issue.

Taking Forward Local Road Pricing Schemes

- **Local Freedom & Flexibility** – These changes acknowledge the important role that PTAs have in metropolitan areas in the delivery of an integrated and sustainable transport network. It provides a statutory basis for PTAs to participate in the design and implementation and to accrue scheme revenues directly and as such the changes are welcomed.
- **Consistency and Interoperability** - It would appear that these requirements would not cover equipment on toll roads (e.g. the proposed Mersey Gateway), which would be a serious omission in ensuring compatibility and interoperability of all methods of charging

for use of roads. However, the Government has just passed 'The Road Tolling Interoperability of Road User Charging and Road Tolling Systems' Directive, which regulates the use of technology for both road user charging and road tolling schemes. The Bill therefore requires amending to reflect this.

I trust that you will find these comments of assistance.

Yours faithfully

Mick Noone
Operational Director Highways, Transportation and Logistics

T1.3/pf/1619

7 September 2007

Secretary of State for Transport

By Email

Councillor Ken Thornber CBE
Leader of Hampshire County

The Castle, Winchester
Hampshire SO23 8UJ
Telephone 01962 847750
Fax 01962 845969
E-mail ken.thornber@hants.gov.uk
www.hants.gov.uk

Dear Secretary Of State

Draft Local Transport Act 2007

This letter is sent on behalf of Hampshire County Council and is in addition to the response from Transport for South Hampshire in recognition that the County Council covers a wider geographical area, which is predominantly rural with more urban concentrations in the South and the North East of our area.

There is much in the draft Bill that is commendable and we acknowledge the positive reference to the Solent Transport partnership, the forerunner to Transport for South Hampshire.

We are concerned that the current proposals would prevent South Hampshire qualifying for a future PTE/PTA, or the formation of similar arrangements in the longer term in other similar cross boundary but not entire authority areas (for example the Blackwater Valley in NE Hants/NW Surrey). We believe that the final legislation should be refined to enable the application to areas such as South Hampshire, which only include part of the County area. The County Council believes that the legislation should acknowledge the variations in large County areas between dense urban and more rural areas, which have different transport requirements and characteristics, and that the imaginative use of PTE/PTA arrangements for urban concentrations within wider County areas should not be excluded by unnecessarily prescriptive legislative rules.

It is important that the final legislation should identify an equitable and transparent basis way of apportioning funding allocations between PTE and non PTE parts of a County area in these circumstances. Population share may be a potential mechanism worthy of further consideration here.

The County Council welcomes the proposals in respect of new and amended powers to improve bus services and operations including replacing the “only practicable way” test with a new set of “public interest” criteria of “only practicable means”.

/continued.....

Secretary of State for Transport

7 September 2007

The County Council also recognises that local authorities have a role with the bus operators to ensure as far as practicably possible that bus services operate reliably. We understand the reasoning behind the proposal outlined in the draft Bill that the Traffic Commissioners be given the power to require local authorities to attend inquiries into poor punctuality and for those authorities to produce evidence of their performance of their Network Management Duty. We also accept that following this and where appropriate, the Traffic Commissioners' should have the ability to write reports recommending action to be taken by the local authorities and bus operators to improve punctuality.

We are concerned however that such a report, would inevitably be prepared in isolation from the many competing demands on local authorities both in terms of budgets and local priorities and circumstances. Such provisions would raise unreasonable expectations for improvements, particularly in the dense urban areas, where measures to improve bus reliability and performance must inevitably be balanced against other needs and duties, deliverability considerations and the interests and priorities of the whole local community.

We would be particularly concerned that local Transport Authorities could be required to make improvements which are undeliverable financially or legally because of factors outside their control. To illustrate these points we would draw attention to the recent example of the decision to turn down funding for the South Hampshire Rapid Transit Scheme despite its excellent business case as a significant congestion relieving proposal on the heavily congested A32; or the County Council's inability to deliver a by pass to relieve congestion for Lyndhurst in the 1980s due to a late objection by an MP to the Private Act of Parliament which was required to facilitate the scheme.

We believe that this new responsibility for the Traffic Commissioners should be used selectively, and that the focus should be on the performance of commercial bus companies. We further consider that any recommendations should not be binding on the local transport authority although authorities should be required to provide and publish a clear and reasonable justification for setting the recommendations aside. This in itself could then be open to challenge.

Hampshire County Council has no proposals to consider a local road pricing scheme for any part of Hampshire. Whilst there is an argument to give more autonomy to those councils who wish to introduce road pricing, local authorities must look to the government to lead on such a controversial measure which cannot be successfully implemented in a piecemeal fashion across the Country. We would stress that there are many areas where the local economic viability of town and city centres are subject to competitive business pressures from neighbouring centres, and there are no alternatives for many rural residents to using private cars to make essential journeys to urban centres for employment, healthcare or essential shopping purposes.

/continued.....

Secretary of State for Transport

7 September 2007

Notwithstanding our reservations about the efficacy of the charging approach generally, particularly in non metropolitan areas, We are concerned that the proposal for the Secretary of State to be removed entirely from the process would be interpreted as government distancing itself from an unpopular and difficult measure, which will accordingly only happen on a piecemeal basis and therefore be ultimately unsuccessful.

We trust these observations will be helpful in taking this proposed legislation forward.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Thornber', written in a cursive style.

Ken Thornber
Leader

DFT CONSULTATION ON STRENGTHENING LOCAL DELIVERY: THE DRAFT LOCAL TRANSPORT BILL

COMMENTS OF HARBOROUGH DISTRICT COUNCIL

1. Improving the quality of local bus services

The Council fully supports proposals which helping to improve local bus services by providing greater flexibility for local authorities to work with bus operators to deliver services that match more closely the current and future needs of travelling public.

The Council agrees generally with the proposals in relation to Quality Bus Partnerships (to cover minimum frequencies, timings and maximum fares) and Quality Contracts (duration to possibly extend beyond 10 years) with a stronger focus on bus performance.

As a rural authority development of the community transport sector is vital. We support the Bills proposals to make implementation of services easier / more flexible and scope to expand the role of community transport where commercial buses cannot meet demands. The Bills proposals that drivers can be paid and vehicles of more than 16 seats to be used will hopefully provide incentive for new forms of operation into this sector.

We welcome this and trust that it will benefit rural community transport schemes but seek assurance that resources are in place to support the skills and capacity to ensure high standards are achieved in the voluntary and community sector. Also, the Bill should be strengthened to include a provision that operators must accept any return and multi-journey tickets on services along a partnership route for voluntary partnership agreements.

2. Local transport governance

The main focus of the Bill is public transport authorities within metropolitan areas for the delivery of transport services. The new Bill allows transport authorities to review and propose their own changes to existing governance arrangements.

The Bill appears to fail to consider the needs of non-metropolitan areas such as Leicester and Leicestershire There could be potential to give greater encouragement to the development of governance arrangements at the sub-regional level.

3. Road user charging

We note that the Bill enables local authorities who wish to develop local RUC schemes to do so in a way that is best suited to local needs. The

document recognises that any RUC schemes developed in urban areas should take into account the impact on residents of surrounding rural areas. We support the need identified in guidance already issued to local authorities for consultation with neighbouring local authorities, in considering the impact of such proposals on rural communities.

Stephen Pointer
Policy Manager – Built Environment Services
Harborough District Council.

7 September 2007

>>> "Alan Burnett" <Alan.Burnett@helptheaged.org.uk> 09/06/07 5:04 pm

Basically Help the aged would like to have the memorandum which it submitted in June 2007 to the House of Commons Transport Committee (DLTB 54 - Evidence 253 recorded as the Charity's response to this consultation exercise. We would also like to associate ourselves with the evidence given to that Committee by Dr Roger Sexton of Nottingham Trent University. If the usage of buses is to increase along the lines of the Department for Transport targets then not only must travel concessions for older people achieve a higher take-

up from the present 63%, but services will also have to match the needs and expectations of millions of older passengers as well as those who do not currently use local buses in their daily lives.

Quality contracts and the like may help but a properly regulated franchised system such as exists in London is needed.

Our research has indicated that there are serious barriers to greater use of buses. Punctuality is one key issue, but there are others.

Dr Alan Burnett, Senior Policy Officer, Help the Aged

Local Transport Bill Consultation
Department for Transport
Great Minster House (Zone 3/16)
76 Marsham Street
London
SW1P 4DR

Email to LocalTransportBill@dft.gsi.gov.uk

Herefordshire Council's Comments the Draft Local Transport Bill

1. Improving the Quality of Local Bus Services

Voluntary Quality Partnerships

The additional flexibility is welcome, particularly the power to enter into agreements with more than one operator. However, such agreements are principally intended to secure improvements in commercial bus services as local authorities already have the power to specify timings, frequencies, fares and vehicle quality in the case of supported services. The reduction in the coverage of the commercial network in recent years, particularly in Hereford city, limits the usefulness of this approach. It must also be borne in mind that any improvement in frequencies or vehicle quality – or any reduction in maximum fares – would have satisfy operators' commercial requirements.

Quality Partnership Schemes

Again, the additional flexibilities are welcome.

Quality Contracts

The proposals make it easier to introduce Quality Contracts, and the proposals to allow smaller operators to participate are welcome. However, significant hurdles remain to be overcome before a scheme can be implemented.

Punctuality

The proposals give the Traffic Commissioners additional powers over both bus operators and local authorities. The draft bill appears to assume that operators will be able to measure punctuality to a degree acceptable by the Commissioner, which may or may not be the case locally. The Commissioner's power to require action by local authorities (through the Secretary of State) is noted. The consultation document is silent on the issue of trunk roads and the Highways Agency, which is a significant issue in Hereford given the congestion on the two trunk roads that bisect the city centre and the delays this causes on the city's bus network. As congestion on the trunk road has a knock-on effect on bus services elsewhere in the city it is unclear where the responsibility for punctuality of such services would rest under the proposals.

Other Measures

The draft bill proposes that private hire vehicle operators be given powers to operate "taxi-buses".

Whilst welcome, the Council notes that Hackney carriage operators have shown little inclination to provide such services, even on a subsidised basis and it is not clear why private hire operators should take a different approach.

Community Transport

*Support the greater flexibility proposed for section 19 permits.
Support the greater flexibility proposed for section 22 permits and the potential for drivers to be paid.*

It is proposed that local authorities be granted additional powers to subsidise services by allowing them to, for example, supplement a commercial service by subsidising additional journeys to increase frequencies or to provide better quality vehicles.

This clarification of powers is welcome.

It is proposed that the maximum length for a subsidy contract be extended from 5 to 8 years.

The additional flexibility is welcome.

The consultation document asks whether it is necessary to retain a Competition Test for the functions of making and varying voluntary quality partnerships; making and varying ticketing schemes and inviting and accepting tenders for subsidy contracts.

Removal of a competition test requirement would facilitate the introduction of voluntary quality partnerships and ticketing schemes. Herefordshire would particularly benefit from the latter.

2. Reforming local transport governance

As a unitary, shire authority the proposals in this section of the consultation document do not appear to directly apply to Herefordshire. There are concerns that the proposals would result in a two tier approach to transport planning, with the PTAs covering met authorities being responsible for Integrated Transport Strategies and the remaining authorities, such as Herefordshire, continuing to produce Local Transport Plans. The document provides no clarity on how these two approaches would co-exist or whether or not Government would intend to role out Integrated Transport Strategies to all local highway authorities.

3. Taking forward local road pricing schemes

Proposals appear sensible.

Some concern that removal of reference to Local Transport Plans and replaced by (more general) reference to local transport policies signals Government's devaluing of the LTP system. Local Transport Plans (or Integrated Transport Strategies if introduced) should provide the policy context for road pricing schemes if they are to be developed.

4. Traffic commissioners

No comments.

County Hall
Pegs Lane
Hertford SG13 8DN
Fax : 01992 588601

Contact : Trevor Mose
Telephone: 01992 556193
Trevor.mose@hertscc.gov.uk
Date :

To whom it may concern

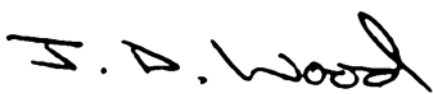
Consultation on the draft Local Transport Bill

Please find below a response from Hertfordshire's local authorities in respect of the consultation on the draft Local Transport Bill. This response has been approved by the County Council's Executive Member for Environment, Transport and Rural Affairs and the District Council's Chief Executives. It therefore represents a joint response on behalf of the both the County and District Council's.

Generally speaking Hertfordshire's local authorities welcome the bill. We are however concerned that the measures proposed in the bill will not achieve the step-change necessary to ensure a high quality, affordable and convenient bus network in Hertfordshire. Our communities will be the judge of the outcomes that the Bill achieves, but we have concern that rural communities in particular will suffer from the lack of services flexible enough to meet their needs and to address the inequitable access from which such communities often suffer. Our concern is that the Bill does not sufficiently provide the Council with the flexibility it needs to provide the services necessary to address this, let alone secure for us the funding required to deliver it. We feel that a more innovative and strategic approach, with more freedom from current competition regulations, is required to attract people out of their cars and address congestion.

Hertfordshire's local authorities will also be responding to the supplementary consultations on "Local Transport Planning: the next steps" and "Modernising Traffic Commissioners" where we will set out more detailed comments on those aspects of the bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. A. Wood', is written over a vertical red line.

Signed on behalf of Hertfordshire's Local Authorities
John Wood
Director of Environment
Herts County Council

Draft Local Transport Bill draft response from Hertfordshire's Local Authorities**Improving the quality of local bus services (V1 Ch 3 p31)****[Responses to Section 3 Q1-5]****Suggested response:**

Hertfordshire's local authorities welcome the attempts described in the bill to increase the ease with which to develop statutory and voluntary partnerships and contracts. Overall however we feel that, for shire authorities like Hertfordshire, the improvements are only likely to benefit 20% of the current network where routes carry the highest volumes and are most commercially viable. Large numbers of services still run at the margins of viability and are publicly supported and there is little in the bill to strengthen this where operators are wary of investing heavily. As a result we do not feel that the proposals in the bill will achieve the step-change in bus service provision that is needed. The overall vision for quality partnerships, whether voluntary or statutory, remains vulnerable to other operators moving in and upsetting the balance required to make the partnership work. In Hertfordshire we have had experience of this, compromising the potential of voluntary partnerships and effectively neutralising the benefit to the operators concerned. This has a damaging legacy for the scope to introduce future partnerships unless something is done to control other providers. In this context consideration may need to be given to the Quality Network Concept as promoted by ATCO.

Q1: What are your views on the proposals relating to:**(a) voluntary partnership agreements;****Suggested response:**

Hertfordshire's local authorities support the proposals to enable Hertfordshire to enter into agreements with multiple operators and enable minimum frequencies, timings and maximum fares to be specified. We support the spirit of the proposals and wish to ensure that the practical application of the legislation makes it easier not harder to enter into such an agreement. We would refer to the concerns about operators outside of the partnership upsetting the balance. (See previous paragraph).

(b) quality partnership schemes;**Suggested response:**

Hertfordshire's local authorities support proposals to make it easier to establish quality partnerships. We would welcome attempts to deliver longer term certainty in service provision with the ongoing benefit for marketing and other investment. We do however have concerns, supported by our experience with voluntary partnerships, that outside operators exercising their freedom to operate can upset the delicate balance that can make or break a partnership.

(c) quality contracts schemes;**Suggested response:**

Hertfordshire's local authorities welcome the proposals to introduce powers to specify service frequencies and maximum fares as part of a quality contract. We support the removal of the 'only practicable way' in favour of a wider public interest test.

Changes to the length and phasing of the contracts are also endorsed as providing greater flexibility.

Public Interest test

The proposed wording of the public interest test reflects the primary reasons we would wish to cite for introducing a contract but we have reservations about how they may be used or misused. This will largely depend on the mechanism for approval (see below). It is likely to be a case of less is more in terms of defining the criteria. Criteria (v) (p43) provides the greatest concern and provides the opportunity for operators to challenge and would, more than any of the other criteria, require some further explanation. It would be helpful to include wording to clarify the level of intervention envisaged for quality contracts. The spirit of the bill, evidenced by a move from the 'only practicable way' to the 'public interest' test, implies that they may now be used to improve services whatever the base. We have concerns that some sectors may still treat them as though they are a mechanism for use only as a last resort. If our interpretation is incorrect we would wish the wording to be amended to make it clear.

Approval mechanism

Proposals to devolve approval of quality contracts from the secretary of State to panels supporting the Traffic Commissioners do not go far enough. We are disappointed that in the spirit of the Local Government White Paper and other government ambition that the legislation does not transfer accountability to the PTAs and local transport authorities. Hertfordshire's local authorities feel strongly that we are best placed to determine what is in the public interest and should be free to define quality contracts with reference to local strategic partnerships, sustainable community strategies and any local area agreements that are in place. An independent traffic commissioner is unable to provide this level of understanding as to what is in the public interest and this level will vary from place to place so national consistency is important only against local benchmarks. The role of the Traffic Commissioners and supporting panels should be as an arbiter to determine appeals should someone feel that the criteria have not been justly applied.

Removing requirement to prepare a bus strategy

Replacing the references to bus strategy with local transport policies will not have a great impact on Hertfordshire. It is highly likely within any future LTP that the County Council will continue to develop and include a bus strategy as the primary means for articulating the County's ambition and strategy for passenger transport services. However, removal of the bus strategy would seriously undermine the legal mechanisms through which LA's recover Traveline costs from registered operators. The Bill should include elements that support the need to provide timely and accurate data to the regional Traveline groups in order that the public can enjoy the full benefits of the Traveline services across the country. As yet no reference is made in the Bill as to the value of this service.

Impact on small operators

The scale at which quality contracts will be developed and tendered will need to reflect the local context. In many cases this will be route by route but may also include key corridors and could be applied to whole networks as in the ATCO sponsored quality network model. We do not feel that the changes and the costs of

tendering for quality contracts, will have a disproportionate impact on small operators unless the contracts are very large, and by definition are largely unsuitable, and less attractive, to smaller operators.

Overall Hertfordshire's local authorities feel that despite all these improvements, and a will amongst local authorities to improve bus services, that the proposals are unlikely to deliver significant change due primarily to the funding required to deliver quality contracts. In the context of the bill the government clearly feels that this gap can be met in the longer term through local road pricing schemes. The acceptability of such schemes and the likely timetable however leaves a significant shortfall particularly where there is an emphasis on improvements to bus services preceding any road pricing scheme.

(d) bus punctuality;

Suggested response:

Hertfordshire's local authorities are supportive of the need to improve the performance regime in respect of bus punctuality. We accept the increased accountability for local authorities, and particularly the highway authority in respect of its network management duty (managing roadworks and tackling congestion). We welcome the more proactive role for Traffic Commissioners in terms of collecting data and information from operators and would like to see it clearly written that this data will be made available to local authorities where it is clearly in the public interest. We have concerns that the increased burden on Traffic Commissioners needs to be properly resourced and the potential burden for small operators needs to be assessed.

In our view however punctuality is also about operators designing and scheduling realistic timetables. We accept that when there is considerable variability in traffic conditions finding a suitable average can be difficult and this leads either to services with extended waits at stops on some days or to complex timetables that cannot be effectively marketed. The right approach from the regulatory regime needs to understand these local conditions.

Availability of AVL / GPS

We wish to ensure that the challenge of collecting reliable punctuality data in areas where there is no AVL / GPS is recognised. (Hertfordshire is currently developing a countywide AVL/RTPI system for implementation in 2008.) Further incentives for both operators (who benefit in terms of fleet management and scheduling) and local authorities (who benefit in terms of real time information) would be welcomed.

(e) community transport;

Suggested response:

Hertfordshire's local authorities welcome the proposals to increase the flexibility available to operate community transport services as they form a key part in the transport mix in the county and currently are limited by the permit system. We would like to see the proposals set in the context of a thorough review of the legislation governing community transport provision. In particular we see a strong case for establishing a single licensing structure as exists for other uses of the network.

(f) other measures**Suggested response:**

Hertfordshire's local authorities welcome the suggested changes to national legislation however care needs to be taken to ensure a careful fit with other European regulations, for example, contract procurement limits.

Q2: What are your views on the specific questions relating to competition legislation (Box 3.41)?**Suggested response:**

Hertfordshire has previous experience of an application to the Office of Fair Trading in respect of Schedule 10 to clarify the competition issues on some local bus services. The test is legalistic in its nature and requires considerable evidence on the market and its effects to obtain a judgement. While it is a place of last resort to confirm the legal situation, it is not a process which Hertfordshire's authorities would recommend to bring about a speedy determination or improve effective working relations between local authorities and operators. It highlights the potential conflict between transport and competition policy which remains largely unresolved (see bus partnerships and competition).

Q3: Do the proposed "public interest" criteria for quality contracts schemes cover the right issues (Box 3.5)? Do they strike the right balance between making schemes a realistic option and protecting the legitimate interests of bus operators?**Suggested response:**

Please refer to comments on the public interest case above. Generally Hertfordshire's local authorities feel that the five criteria are fair and the first four clearly articulate matters in the public interest. The fifth is the hardest to define and whilst it presents the legitimate concerns of operators it is likely to cause the most disagreement and will need to be carefully defined if it is not going to be used to derail quality contract proposals.

Our comments relating to the approval process are also valid whereby we feel that local authorities should be given the power to propose quality contracts and interpret what is in the public interest locally. This would therefore benefit from clearer guidance on all criteria but particularly criteria (v).

Q4: How can the proposed new bus punctuality regime (paragraphs 3.32 to 3.39) best be designed to achieve the desired benefits at minimum cost, particularly for smaller operators?**Suggested response:**

See comments above on AVL / GPS. In the absence of AVL the cost of compiling and providing data will have a greater cost to smaller operators. The County Council is currently exploring the introduction of AVL across the county and hopes to have full

¹ References to *box x* and *paragraph y* are references to Volume 1: A consultation

coverage within two years. Hertfordshire's local authorities do not feel that smaller operators will be disproportionately affected by the introduction of AVL and in many ways smaller operators may stand to gain most from introducing AVL and reducing the cost of collecting and providing data on punctuality.

In respect of the collection of performance management data, objective consideration of each measure is essential with the caveat that data should be cost-effective to collect and that the measures themselves should be limited to those that are used to drive up operator performance.

Q5: Do the proposals to amend the existing powers relating to subsidy contracts provide sufficient flexibility to meet local authorities' needs (paragraph 3.47)?

Suggested response:

Yes.

Hertfordshire's local authorities welcome the review of BSOG as part of the draft Local transport Bill. We are however currently not convinced that the alternatives (grant based on patronage) will deliver any substantial benefits without damaging rural and suburban services in shire counties such as Hertfordshire in favour of the larger urban areas where bus patronage figures are substantially higher.

Changes to BSOG hinted at in section v p48 could be fundamental and have wide ranging effects. Any review of BSOG presents an opportunity to tidy up other funding issues at the same time and simplify them for the users.

For example, half fare for children could also be a condition of receiving BSOG as this would simplify things for the user. If linked to a national pass for school aged children, it might also have benefits for bus companies. Participation in network ticketing or the provision of timetable information to Travelline could also be tied into the BSOG.

There is some logic in changing the basis of BSOG to give an incentive to carry more passengers rather than subsidise the use of fuel but we need to carefully consider the different impacts in urban and rural areas and ensure that the Rural Grant is increased sufficiently to overcome any reductions in BSOG paid to lesser-used services.

Other PT issues

Hertfordshire's local authorities were disappointed that the process for charging operators for data information provided to Travelline was not addressed. The current difficulty in relation to recovering costs from operators (as required by the Transport Act 2000) is particularly problematic. It could perhaps be a precondition of receiving BSOG (see above).

A further point omitted from the bill is any clear intention to introduce nationally interoperable travel smartcards for use across all public transport systems.

Reforming local transport governance**[Responses to Q6 – 12]****Q6: Do you agree that governance arrangements in the metropolitan areas outside London require reform?****Suggested response:**

Hertfordshire's local authorities are not affected by the proposed changes in respect of metropolitan areas but would support the view that something should be done to address the issues identified in the consultation.

Q7: Do you agree that there is a need for flexible arrangements which allow for variation in the governance developed for different areas.**Suggested response:**

Yes

Q8: Do you agree that the cities themselves should be asked to publish proposals on the revised governance? Do you have views on which body or bodies should be asked to prepare these proposals?**Suggested response:**

This proposal appears to be contradictory to the spirit of devolved decision making. Local authorities in the relevant areas should have the freedom to undertake the review as appropriate. They should not be coerced except where there is evidence of the existing system failing.

Q9: Do you agree that the Bill should enable broad changes, or should there be limitations on what change might be allowed?**Suggested response:**

No view.

Q10: Do you think that the powers to review and amend governance arrangements should allow development over time, or should the powers lapse after the initial review?**Suggested response:**

No view.

Q11: Do you agree with the changes we are proposing to the powers and duties of PTAs in all the metropolitan counties?**Suggested response:**

No view.

Q12: Do you agree with the proposed changes to Local Transport Plans described in paragraphs 4.43 to 4.45? Should these changes be applied only to the metropolitan counties, or should they be applied elsewhere, for example, to other city regions?

Suggested response:

Hertfordshire's local authorities do not see any benefit in applying the changes beyond the larger conurbations although there is some merit in extending it to the city regions. Within shire counties like Hertfordshire we would wish to see continued stability in terms of an evolution of the existing Local Transport Plan. We will be providing further comments in this respect in our response to the DfT consultation "Local Transport Planning: The next steps".

Taking forward local road pricing schemes

[Response to Q13]

Q13: What are your views on the proposals relating to:

- (a) local freedom, flexibility and accountability (paragraph 5.18), including the proposal in Box 5.1;**
- (b) consistency and interoperability (paragraph 5.22); and**
- (c) information (paragraphs 5.26 and 5.29)?**

Suggested response:

Hertfordshire's local authorities recognise that increased flexibility is necessary if road pricing schemes are to form part of the toolkit for managing demand on the network. We are concerned that there is an implied pre-requisite that substantial investment will be made in the alternatives such as passenger transport without clear commitment to the funding. It is likely that in many cases improved passenger transport may prove sufficient in managing demand and yet access to Transport innovation Funds appears to be restricted only to those who are committed to road pricing. We would urge the government to reduce the barriers to accessing funding in order to respond to a range of locally developed solutions.

We would like to emphasise in our response that, pragmatically, road pricing will only be supported locally if it follows sufficient local investment in the transport infrastructure to make modal shift a reality. There is therefore an underlying concern that road pricing is not yet seen to be one of many elements in local approaches to managing congestion and changing user habits. We would appreciate a statement that road pricing would follow investment, not lead it, and that it is not intended to be a revenue stream for central government that bring little benefit to local communities.

In respect of the freedoms and flexibilities we support the proposals to empower local authorities to take local road pricing schemes forward and acknowledge the wider need for accountability set out in Box 5.1.

The proposals to ensure consistency and interoperability are sound although the potential costs of such requirements need to be considered as part of the regulatory impact assessment.

Proposals relating to the exchange of information between central and local government are important to the success of any local schemes and the proposals for consistency. It is not felt that the costs of providing information to local government increase greatly with the number requesting it. Generally speaking the largest proportion of the cost is associated with collecting and maintaining the information and not in respect of its distribution. As for our comments on performance management data in respect of bus punctuality. Any data should be weighed up against the cost of collection and its purpose in terms of improving performance.

Traffic Commissioners (V1 Ch 6 page 81 / V2 clause 1)
[Response to Q14 and 15]

Suggested response:

The draft bill introduces a senior traffic commissioner role to promote consistency amongst TCs. Consultation questions were as follows:

Q14: To what extent is there a problem of 'inconsistency' between the approaches of the different traffic commissioners, and what costs does this impose on PSV and goods vehicle operators?

Q15. Do you agree that the proposals outlined here would help to reduce those costs?

Suggested response:

Hertfordshire's local authorities do not have a view on the level of consistency or costs as this is an issue for the operators who deal with more than one commissioner and pay through the PSV licence application. We will however be providing a full response to the subsequent consultation "Strengthening Local Delivery: Modernising Traffic Commissioners". Our initial views are set out below:

- Traffic Commissioners should remain independent
- Traffic Commissioners should have strengthened powers of intervention to resolve poor performance in terms of punctuality stemming from failure of either the operating company or the local authority.
- Traffic Commissioners need to retain a level of local understanding and knowledge relevant to the region they cover in order to make informed decisions. (We feel that the current and proposed national centralised structure does not provide this.)
- Ultimately we feel that the Traffic Commissioners are not best placed to assess what is in the public interest at a local level and that this undermines efforts to devolve decision making to local authorities.

In respect of the proposed structure set out in the consultation Hertfordshire's Local Authorities wish to express our concerns that this would not appear to meet our objectives as it appears to be too strong on the national focus and too weak on local knowledge.

“Strengthening local delivery: The draft Local Transport Bill”, DfT, 22 May 2007
Outline submission to the Government’s consultation from
the Hull and Humber Ports City Region.

The Hull & Humber Ports City Region welcomes the draft bill which forms a basis for enabling legislation to strengthen delivery and flexibility in 3 key areas. These being reforms to transport governance arrangements, bus policy and local road pricing schemes. Taking these in turn:

Reforming Transport Governance Arrangements

- This is the most significant part of the draft bill for the City Region and will become even more relevant in light of the Government’s recent announcements (July 17th) on the Sub-National Review of economic development and regeneration. One of the key changes included in this review will be to “support groups of local authorities in city regions to work effectively and accountably together through new Multi-Area Agreements (MAAs), and pool economic responsibility on a more permanent basis”. This fits well with the aspirations of this City Region as detailed in our Hull and Humber Ports City Region Development Programme, including the desire for greater cross boundary working within a strengthened governance framework for transport. This is considered especially relevant to improved Public Transport Linkages both within and between City Regions and for this reason any opportunities created by the draft bill for stronger more deliverable “quality agreements” with operators are also generally welcomed (see comments on Bus Regulatory Reforms below).
- Most of the specific proposals in the draft bill are directed towards strengthening the powers of existing PTAs and the requirement for them to replace 5 year Local Transport Plans with 10-15 year Integrated Transport Strategies.
- The option for other City Regions (like ours) to set up PTAs or to propose some other appropriate form of transport governance arrangement is welcomed although the lack of clarity about the options/implications (financial and political) and timescales is an area of concern for non metropolitan City Regions. More guidance would be welcomed before City Regions embark upon consultation on options and make detailed proposals. The Concept of “one size does not fit all” may be especially relevant for this city region due to its unique geography based around the Humber Estuary. However, concerns exist about how this ‘flexibility’ in any proposed new model for transport governance might fit within what appears, in places, to be prescriptive legislation.
- We look forward to further guidance on governance reviews which we understand is under preparation.

Questions for consultation:

Q6: Do you agree that governance arrangements in the metropolitan areas outside London require reform?

A: Yes

Q7: Do you agree that there is a need for flexible arrangements which allow for variation in the governance developed for different areas?

A: Yes

Q8: Do you agree that the cities themselves should be asked to publish proposals on revised governance? Do you have views on which body or bodies should be asked to prepare those proposals?

A: The important point is that any proposals must have full 'buy in' from all local authorities and other relevant stakeholders/partners in order to make any changes work. Who puts forward the proposals is an academic point.

Q9: Do you agree that the Bill should enable broad changes, or should there be limitations on what change might be allowed?

A: Yes, broad changes should be allowed

Q10: Do you think that the power to review and amend governance arrangements should allow development over time, or should the powers lapse after an initial review?

A: The powers to review should be 'kept' as there may be a need to adapt arrangement in time.

Also, we do not agree that the Secretary of State should have powers to demand reviews and we believe that no changes affecting any existing local transport authority should be made without the agreement of that authority.

Q11: Do you agree with the changes we are proposing to the powers and duties of PTAs in all the metropolitan counties?

A: No problem with these proposals.

Q12: Do you agree with the proposed changes to Local Transport Plans described in paragraphs 4.43 to 4.45? Should these changes be applied only to the metropolitan counties, or should they be applied elsewhere, for example to other city regions?

A: LTP's have been a success in most areas and to move away from them completely would not be a good idea. The idea of a longer timescale view could further be introduced into LTP's. The idea of some areas being covered by 5 year LTP's and others by 10-15year Integrated Transport Strategies – seems inconsistent – maybe everyone could prepare a 'more integrated' 10 year LTP ---keeping the 5year delivery plan but strengthening the concept of the longer term vision and indicative programme.

Bus Regulatory Reforms

The proposed reforms provide; a wider range of measures permitted in quality partnerships, reforms to Quality Contract Procedures and extended powers for the Traffic Commissioner. Whilst we agree with the aims of these changes, and acknowledge that changes are clearly required to the existing system which has been largely unsuccessful in most areas, it is a case of the 'devil being in the detail'. To create a system which could be more unpopular with bus operators may alienate them and undo good work already underway via voluntary partnerships.

It is also important to understand the level of revenue that the Government will make available to LTAs to deliver the new powers; it is difficult to estimate their effectiveness without that.

The strengthening of the Traffic Commissioners' powers to require LAs' to carry out remedial works to deliver agreed performance (via Traffic Management Act) might be designed to achieve positive progress but will have resource implications for LAs' which may be difficult to meet.

Local Road Pricing

The proposed key change to allow LAs' to approve road pricing schemes without direct approval from the Secretary of State is not considered particularly relevant. The more significant legislation to introduce a National Scheme is not included in this bill. Until any such proposals are on the table it is unlikely to become a relevant issue in this area. In the meantime, the proposals being suggested in this bill are unlikely to make any significant impact nationally or at a regional or sub regional level.

About this submission

This submission has been prepared by the Transport Policy sections of the four Unitary Local Authorities that make up the Hull and Humber Ports City Region, i.e.: East Riding of Yorkshire Council, Kingston upon Hull City Council, North East Lincolnshire Council, and North Lincolnshire Council. The submission has been approved by the Humber Economic Partnership (HEP) Board of Directors.

The Humber Economic Partnership (HEP) is the strategic partnership for sustainable economic development for the Hull and Humber Ports City Region.

HEP leads on issues that can be dealt with effectively at only a city region level:

- HEP promotes, lobbies for and represents the area at all levels of influence;
- HEP coordinates and facilitates strategic partnership working at the City Region level;
- HEP delivers key partnership infrastructure activity such as policy advice & research, and promoting the area for investment.

The Partnership covers the whole city region and is made up from leaders of both public and private sectors from both banks of the Humber who believe in the merits and importance of joint action to create the sustainable growth and greater competitiveness of the economy of the area.

HEP is one of the four Sub-regional Strategic Partnerships covering the Yorkshire and Humber region, working with Yorkshire Forward, Government Office Yorkshire & Humber, the Yorkshire & Humber Assembly, and other key partners to provide leadership to enable the effective delivery of the Regional Economic Strategy (RES).